



**BOISE, TUESDAY, AUGUST 11, 2015, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 42447**

**STATE OF IDAHO,** )  
 )  
 **Plaintiff-Respondent,** )  
 )  
 **v.** )  
 )  
 **STEPHEN PHILLIP ROZAJEWSKI,** )  
 )  
 **Defendant-Appellant.** )  
 )

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Appeal from the District Court of the Third Judicial District, State of Idaho,  
Canyon County. Hon. Molly J. Huskey, District Judge.

Sara B. Thomas, State Appellate Public Defender; Brian R. Dickson, Deputy  
Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Ted S. Tollefson, Deputy Attorney  
General, Boise, for respondent.

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Police officers assisted probation officers with the search of a probationer's residence, where Stephen Phillip Rozajewski was renting a bedroom. Upon entering the residence, the officers found various items of paraphernalia and small amounts of marijuana in the common area of the residence. Rozajewski refused to consent to the search of his bedroom and, therefore, the officers sought a search warrant. Rozajewski's friend told one officer that she had a backpack in Rozajewski's bedroom that contained a pipe loaded with methamphetamine. The officer relayed the friend's statement to the officer who sought the warrant. After providing an oral affidavit to a magistrate, the investigating officer obtained a warrant to search Rozajewski's bedroom. During the search, the officers found a handgun, methamphetamine, and a receipt with Rozajewski's name on it. Rozajewski was charged with several crimes, including possession of methamphetamine and unlawful possession of a firearm.

Rozajewski filed a motion to suppress, challenging the validity of the search warrant, alleging that the investigating officer made false statements to the magistrate and that the false statements were either knowingly and intentionally made or were made with reckless disregard for the truth. The district court found that the investigating officer made two statements with reckless disregard for the truth--Rozajewski's friend lived at the residence and Rozajewski's friend saw methamphetamine in Rozajewski's bedroom. Although the district court found that the statements were made with reckless disregard for the truth, the district court found that the

statements were not material because they would not have altered the magistrate's finding of probable cause. Accordingly, the district court denied Rozajewski's motion to suppress. Rozajewski pled guilty to unlawful possession of a firearm, reserving the right to appeal the district court's denial of his motion to suppress. Rozajewski appeals.

**BOISE, TUESDAY, AUGUST 18, 2015, AT 9:00 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 42242**

<b>CHRISTOPHER A. PENTICO,</b>	)
	)
<b>Petitioner-Appellant,</b>	)
	)
<b>v.</b>	)
	)
<b>STATE OF IDAHO,</b>	)
	)
<b>Respondent.</b>	)
_____	)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael R. McLaughlin, District Judge. Hon. Kevin Swain, Magistrate.

Alan E. Trimming, Ada County Public Defender; Heidi M. Johnson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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On March 25, 2008, an officer stopped Christopher A. Pentico on state property, in the vicinity of the Capitol Annex, and informed Pentico that he was no longer authorized to be at the Capitol Annex, the third and fourth floors of the Borah Building, or the department of education. On April 2, 2008, Pentico visited the Governor's office on the third floor of the Borah Building. Pentico was found guilty of trespass. Pentico appealed and his conviction was affirmed by the district court and again by this Court. Pentico filed a petition for post-conviction relief claiming ineffective assistance of trial counsel and alleging the trespass statute is unconstitutional. The magistrate dismissed Pentico's petition. Pentico appealed to the district court, which affirmed. Pentico again appeals.

**BOISE, TUESDAY, AUGUST 18, 2015, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 42198**

<b>STATE OF IDAHO,</b>	)
	)
<b>Plaintiff-Appellant,</b>	)
	)
<b>v.</b>	)
	)
<b>JOSE LUIS VILLAVICENCIO,</b>	)
	)
<b>Defendant-Respondent.</b>	)

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Elmore County. Hon. Lynn G. Norton, District Judge.

Hon. Lawrence G. Wasden, Attorney General; Russell J. Spencer, Deputy Attorney General, Boise, for appellant.

Sara B. Thomas, State Appellate Public Defender; Shawn F. Wilkerson, Deputy Appellate Public Defender, Boise, for respondent.

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Jose Luis Villavicencio was convicted of two offenses. He entered into a binding plea agreement indicating that he would serve consecutive sentences with an aggregate ten years of probation. The court imposed two, concurrent ten-year terms of probation. Those sentences were illegal because the applicable statute authorizes only seven-year terms of probation for Villavicencio's offenses. After seven years had passed, but before ten years had passed, the State initiated probation revocation proceedings.

In response to the probation revocation proceedings, Villavicencio filed a motion to amend his illegal sentences, which the district court granted by reducing the terms of probation to seven years. These amended sentences comply with the statute, but run afoul of the plea agreement.

The State appeals and argues that the court should have amended the sentences to have two shorter, *consecutive* terms of probation--sentences that would be legal and consistent with the plea agreement. Villavicencio argues the court was not authorized to do so. Finally, both parties argue that the other's failure to raise the issue in a timely manner should result in waiver.

**BOISE, TUESDAY, AUGUST 18, 2015, AT 1:30 P.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 42226**

<b>STANLEY PHILLIP SWEET,</b>	)
	)
<b>Plaintiff-Respondent-Cross</b>	)
<b>Claimant-Appellant,</b>	)
	)
<b>v.</b>	)
	)
<b>REBECCA LEE VINEYARD</b>	)
<b>FOREMAN,</b>	)
	)
<b>Defendant-Appellant-Cross</b>	)
<b>Defendant-Respondent.</b>	)
	)

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Appeal from the District Court of the First Judicial District, State of Idaho, Boundary County. Hon. Jeff M. Brudie, District Judge. Hon. Justin W. Julian, Magistrate.

Val Thornton, Sandpoint, for appellant.

Ruth Fullwiler, Coeur d'Alene, for respondent.

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Stanley Phillip Sweet and Rebecca Lee Vineyard Foreman are the parents of a minor child. The parties were never married, but resided together from 2006 to 2008. A child support and custody order was entered in 2009. Over several years, Sweet and Foreman each filed a number of motions to modify the child support and custody orders, some of which were granted. On June 22, 2011, Foreman filed a petition to modify custody and child support. A trial was held on June 7, 2012, and August 8, 2012, and the magistrate modified the prior custody and child support orders. Foreman filed a motion to reconsider and Sweet filed a motion for an award of attorney fees. Both motions were denied. Foreman appealed to the district court and Sweet cross-appealed. On appeal, the district court affirmed the magistrate. Sweet appeals and Foreman cross-appeals.

**BOISE, THURSDAY, AUGUST 20, 2015, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 42027**

<b>STATE OF IDAHO,</b>	)
	)
<b>Plaintiff-Respondent,</b>	)
	)
<b>v.</b>	)
	)
<b>ARNOLD DEAN ANDERSON,</b>	)
	)
<b>Defendant-Appellant.</b>	)

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Randy J. Stoker, District Judge.

Sara B. Thomas, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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Arnold Dean Anderson appeals from his judgment of conviction after he was found guilty of possession of a controlled substance and after he acknowledged that he was a persistent violator. Anderson was sentenced to a unified sentence of twelve years, with four years determinate. On appeal, Anderson raises three issues. First, he argues that the district court ignored his pretrial request to represent himself. He next contends that the court abused its discretion by not conducting a sufficient inquiry when he requested substitute counsel prior to his continued sentencing hearing. Finally, he asserts that his sentence is excessive.